

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

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|---------------------------------------|---|------------------------------|
| Ralph Lynn Ferguson, Jr, | § | |
| | § | CIVIL ACTION NO. 1:17cv00295 |
| v. | § | |
| | § | JURY REQUESTED |
| J. KEITH STANLEY, | § | |
| individually and as partner at | § | |
| FAIRCHILD, PRICE, HALEY & SMITH, LLP. | § | |

**EMERGENCY PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANT'S MOTION DE 19**

Plaintiff, Ralph Lynn Ferguson, Jr. files this his Emergency Plaintiff's Motion for Extension of Time to File Response to Defendant's Motion DE 19 and jointly files Form AO 436 audio request and Form AO 435 transcript request and would show the court the following in support.

A. INTRODUCTION

Plaintiff is Ralph Lynn Ferguson, Jr.; defendant is J. KEITH STANLEY.

Plaintiff sued defendant for professional negligence, gross negligence, malice, intentional infliction of emotion distress and fraud.

B. HISTORY

Plaintiff obtained Clerk's Entry of Default which was forwarded to Defendant via this Court's order.

Defendant filed a response to the Clerk's Entry of Default with his DEFENDANT J. KEITH STANLEY'S MOTION FOR RELIEF FROM JUDGMENT AND/OR ORDER, DE 19.

Defendant filed his motion on March 26, 2020. Plaintiff's response is due 14 days from the service of said motion and Plaintiff moves the Court for an extension of this time.

C. ARGUMENT

The opposing party has filed a motion that constitutes surprise in that he has brought forth information that hasn't been brought forth before and Plaintiff does not have equal access to.

Plaintiff moves the court for an extension of time of 180 days to respond to Defendant's motion (DE 19) in order to adequately conduct discovery on matters that Defendant raises in his motion and which Plaintiff does not have direct immediate access to.

Plaintiff believes 180 days is necessary due to the fact that Plaintiff is not an attorney. The time will not prejudice Defendant who apparently ignored this lawsuit and was indifferent to the lawsuits outcome for 2 years. Plaintiff has no expectation that Defendant will willingly cooperate.

This request for extension of time is necessary to Plaintiff's response in opposition to Defendant's motion and is not sought for delay.

Plaintiff moves the court to extend time to respond to Defendant's motion until Plaintiff can do adequate discovery on the issues, individuals, information and statements of truth in Defendant's motion.

Plaintiff can not be expected to affectively respond to Defendant's pleading when the pleading brings into question information that Defendant has access to and Plaintiff does not have access to.

Discovery is necessary for an effective rebuttal of Defendant's pleading.

The jointly filed request for audio and transcript are vital to a meaningful response to Defendant's motion.

C. CONCLUSION

Plaintiff moves the Court to extend time to respond to Defendant's motion until Plaintiff can prosecute discovery to secure necessary information so an adequate response can be made to Defendant's motion DE 19.

Respectfully submitted,

By: Ralph Lynn Ferguson Jr
Ralph Lynn Ferguson, Jr. Pro se
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CERTIFICATE OF CONFERENCE

Plaintiff has not conferred with defendant J. KEITH STANLEY regarding this emergency motion.

Ralph Lynn Ferguson Jr
Ralph Lynn Ferguson, Jr. Pro se

CERTIFICATE OF SERVICE

I certify that on April 3, 2020, a copy of Plaintiff's Emergency Plaintiff's Motion for Extension of Time to File Response to Defendant's Motion DE 19 and proposed order was served on the following via USPS and email.

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Ralph Lynn Ferguson Jr
Ralph Lynn Ferguson, Jr. Pro se

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

Ralph Lynn Ferguson, Jr,

v.

J. KEITH STANLEY,
individually and as partner at
FAIRCHILD, PRICE, HALEY & SMITH, LLP.

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CIVIL ACTION NO. 1:17cv00295

JURY REQUESTED

**ORDER ON EMERGENCY PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANT'S MOTION DE 19**

After considering Plaintiff, Ralph Lynn Ferguson's motion for extension of time the Court **GRANTS** the motion and extends the time for Plaintiff to respond to Defendant's motion DE 19 for a period of 180 days to conduct discovery and obtain requested audio and transcript.